

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

HORACE J. CONDE, JR.

* **CIVIL ACTION NO. 09-1441**
SEC. P.

VERSUS

* **JUDGE ROBERT G. JAMES**

LOUISIANA CORRECTION
SERVICES, ET AL.

* **MAG. JUDGE KAREN L. HAYES**

MEMORANDUM ORDER

Before the court is a motion for production of medical records [doc. # 6] filed by *pro se* plaintiff, Horace J. Conde', Jr.¹ By this motion, plaintiff seeks to have the court order the J. B. Evans Medical Department to provide him with a complete copy of his entire medical file because he fears that the Medical Department may tamper with his records.

However, the court observes that it is unclear whether the plaintiff has made a request to the Medical Department for his own medical records. Although the plaintiff has no constitutional right to free copies of his medical records, he is entitled to his own medical records without a court order. He may obtain these records by either filing a request with the appropriate health care provider(s) or by filing a discovery request with the defendant after service of process. Plaintiff is required to make an effort on his own behalf before seeking the assistance of the court in this matter.

¹ As this matter is not excepted within 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this order is issued under the authority thereof, and in accordance with the standing order of this court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

For these reasons, plaintiff's motion for production of medical records [doc. # 6] is
DENIED, at this time.

IT IS SO ORDERED.

THUS DONE AND SIGNED at Monroe, Louisiana, this 5th day of November 2009.

A handwritten signature in black ink, appearing to read "Karen L. Hayes", is written over a horizontal line.

KAREN L. HAYES
U. S. MAGISTRATE JUDGE